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PITTSBURGH PA 15219

MAILED

MAR 11 2011

In re Application of : OFFICE OF PETITIONS
Kaesemeyer :
Application No. 09/605,599 : DECISION ON PETITION
Filed: June 28, 2000 : UNDER 37 CFR 1.182
Attorney Docket No. 126625.0070t(formerly :
257 :
:

This is a decision on the petition under 37 CFR 1.182, filed January 31, 2011, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

The above-noted abandoned application failed to make a specific reference to the prior-filed application; namely, 09/293,392, filed April 16, 1999, prior to abandonment. Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed application. The petition is accompanied by an amendment to include a reference to the prior-filed application in the first line of the specification following the title of the invention.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See, Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (D.D.C. 1976).

In view thereof, the request for entry of an amendment to insert a reference to the above-noted, earlier-filed application is granted.

The amendment has been entered. A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Attorney Advisor Alesia M. Brown at (571) 272-3205.

This application is being forwarded to Technology Center Art Unit 1614 for entry of the amendment filed January 31, 2011. Thereafter, the application will be returned to the Files Repository.



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
09/605,599	06/28/2000	1614	420	126625.0070t(formerly 257)	20	3

CONFIRMATION NO. 5779

21269

CORRECTED FILING RECEIPT

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219



OC000000046388844

Date Mailed: 03/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Wayne H. Kaesemeyer, Augusta, GA;

Power of Attorney:

Raymond Miller--42891

Domestic Priority data as claimed by applicant

This application is a CIP of 09/293,392 04/16/1999 PAT 6,425,881
which is a CIP of 09/226,580 01/07/1999 PAT 6,239,172
which is a CIP of 08/833,842 04/10/1997 PAT 5,968,983
which is a CIP of 08/693,882 08/05/1996 PAT 5,767,160
which is a CIP of 08/321,051 10/05/1994 PAT 5,543,430

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 08/17/2000

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 09/605,599**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Controlled release arginine formulations

Preliminary Class

514.

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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